



U.S. Environmental Protection Agency (EPA)

## April 2008 Action Initiation List (as of 05/07/2008)

The following actions were initiated by EPA this month. Explanations of which EPA actions are included on this list and of each element of the table can be found at the end of this document.

The two most recent Action Initiation Lists (AILs) can always be found at: <http://www.epa.gov/lawsregs/search/ail.html>. But, they will not provide updates on the actions listed herein. Updates on the progress of these actions will be made available in EPA's upcoming *Semiannual Regulatory Agenda*, which is accessible from these Web sites:

- EPA's Laws, Regulations, Guidance and Dockets (<http://www.epa.gov/lawsregs/search/regagenda.html>)
- RegInfo.gov (<http://www.reginfo.gov/public/do/eAgendaMain>)
- Regulations.gov (<http://www.regulations.gov/fdmspublic/component/main?main=UnifiedAgenda&agency=EPA&pubperiod=200710>)

To assist you in tracking actions' progress, the RINs in the table below are also displayed in the *Semiannual Regulatory Agenda*.

RIN	Title	Stage	Contact	Abstract	Projected Publication Date
2020-AA47	Required Data Elements in the ICIS-NPDES Data System to Enable EPA to Manage the National NPDES Program	NPRM	Andrew Hudock (202) 564-6032 <a href="mailto:Hudock.Andrew@epa.gov">Hudock.Andrew@epa.gov</a>	EPA has the primary responsibility to ensure that the Clean Water Act's (CWA) National Pollutant Discharge Elimination System (NPDES) program is effectively and consistently implemented across the country to meet the human health and environmental protection goals of the CWA. EPA is modernizing the national information system for the NPDES permitting and enforcement program from the Permit Compliance System to the Integrated Compliance Information System for NPDES (ICIS-NPDES). The modernized system uses current information technology and better meets the full scope of the NPDES program as it has evolved over the years. This regulation will identify the required information EPA needs to receive from NPDES-authorized states, tribes or implementing Regions for non-authorized NPDES states to effectively manage the national NPDES permitting and enforcement program.	12 months or less

<b>RIN</b>	<b>Title</b>	<b>Stage</b>	<b>Contact</b>	<b>Abstract</b>	<b>Projected Publication Date</b>
2050-AG44	Definition of Solid Waste for Non-Hazardous Materials	ANPRM	Craig Dufficy (703) 308-9037 <a href="mailto:Dufficy.Craig@epa.gov">Dufficy.Craig@epa.gov</a>	<p>The DC Circuit Court of Appeals vacated and remanded two EPA rules promulgated under the Clean Air Act (CAA) - the Commercial and Industrial Solid Waste Incineration (CISWI) definitions rule, issued under section 129 of the CAA, and the Boiler MACT, issued under section 112. The court concluded that EPA erred by excluding units that combust solid waste for the purpose of energy recovery from the CISWI rule and including such units in the Boilers rule. In response to the court's decision, EPA is now preparing to establish new standards under sections 112 and 129 for the various units subject to each section.</p> <p>Section 129 regulates solid waste incineration units, defining them as units that combust "any" solid waste. It further defines "solid waste" as having the meaning established by the Administrator pursuant to the Solid Waste Disposal Act (SWDA). Thus, if a material is not a solid waste as established by the Administrator pursuant to the SWDA, the unit in which it is burned would not be covered under section 129.</p> <p>The Office of Solid Waste (OSW) needs to determine which non-hazardous materials are "solid wastes" under SWDA so that the Office of Air and Radiation (OAR) can conduct appropriate sampling and determine MACT standards.</p>	12 months or less
2060-AP11	Protection of Stratospheric Ozone: New Substitute in the Motor Vehicle Air Conditioning Sector under the Significant New Alternatives Policy (SNAP) Program	NPRM	Karen Thundiyil (202) 343-9464 <a href="mailto:Thundiyil.Karen@epa.gov">Thundiyil.Karen@epa.gov</a>	In this action, the Agency will propose a decision on a new refrigerant substitute for use in new motor vehicle air-conditioning systems. The substitute is currently under review by the Significant New Alternatives Policy (SNAP) program.	12 months or less

<b>RIN</b>	<b>Title</b>	<b>Stage</b>	<b>Contact</b>	<b>Abstract</b>	<b>Projected Publication Date</b>
2060-AP14	Waste Energy Recovery Registry	NPRM	Katrina Pielli (202) 343-9610 <a href="mailto:Pielli.Katrina@epa.gov">Pielli.Katrina@epa.gov</a>	Title IV of the Energy Independence and Security Act of 2007 directs EPA to establish a “recoverable waste energy inventory program” and publish a rule. Specifically, Subtitle D, Section 372 directs EPA to establish, in cooperation with the Department of Energy and state energy offices, this inventory program. Under this action, EPA will publish criteria for including sites into the registry and will establish a Registry of Recoverable Waste Energy Sources, and sites on which the sources are located.	12 months or less
2060-AP15	Ambient Ozone Monitoring Regulations: Revisions to Network Design Requirements	NPRM	Lewis Weinstock (919) 541-3661 <a href="mailto:Weinstock.Lewis@epa.gov">Weinstock.Lewis@epa.gov</a>	Ozone monitoring requirements were revised in October 2006 during a comprehensive revision of ambient monitoring requirements contained in 40 CFR parts 50, 53, and 58. These changes included revised minimum monitoring requirements for ozone monitors in urban areas as well as changes to the length of the required monitoring season. As stated in the Ozone National Ambient Air Quality Standards (NAAQS) final rule published on March 27, 2008 (73 FR 16436), EPA believes that certain changes are needed in the ozone minimum monitoring requirements to account for the newly revised levels of the NAAQS (primary and secondary NAAQS levels for ozone were revised from an eight-hour level of 0.08 ppm to an eight-hour level of 0.075 ppm). In this rulemaking, EPA will propose: (1) modest changes to minimum monitoring requirements in urban areas, (2) minimal monitoring requirements in rural areas, and (3) incremental adjustments to the length of the ozone monitoring season where indicated by statistical analysis. These proposed actions have been developed in response to comments that were received from some States, national monitoring associations, and environmental groups during the Ozone NAAQS proposal that was published on July 11, 2007 (72 FR 37818). No changes will be proposed in ozone measurement methodology, quality assurance requirements, or probe siting requirements. Therefore, the implementation of any proposed changes should be routine for affected monitoring agencies.	12 months or less

<b>RIN</b>	<b>Title</b>	<b>Stage</b>	<b>Contact</b>	<b>Abstract</b>	<b>Projected Publication Date</b>
2060-AP16	National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution; Amendments - Area Source Standard	NPRM	Steve Shedd (919) 541-5397 <a href="mailto:Shedd.Steve@epa.gov">Shedd.Steve@epa.gov</a>	On January 10, 2008 (73 FR 1916), EPA issued final national emission standards for hazardous air pollutants for gasoline distribution bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities. Subsequently, we received two petitions from industry to clarify some applicability and implementation provisions of the final rule. This action would propose and promulgate amendments to address issues raised by the petitioners.	12 months or less
2060-AP17	Regulation of Fuel and Fuel Additives: Gasoline and Diesel Fuel Test Methods	Direct Final	Joe Sopata (202) 343-9034 <a href="mailto:Sopata.Joe@epa.gov">Sopata.Joe@epa.gov</a>	This rule would allow refiners and laboratories to use more current and improved fuel testing procedures for ten American Society for Testing and Materials (ASTM) analytical test methods. Once these test method changes are adopted, they will supersede the corresponding earlier versions of these test methods in EPA's motor vehicle fuel regulations. Finally, the rule would allow an alternative test method for olefins in gasoline. This rule would allow improvements in the test method procedure to ensure better operation and provide additional flexibility to the regulated community. The clean air benefits of EPA's gasoline and diesel motor vehicle fuel programs will continue to be realized. There will be no adverse health or environmental impact as a result of these test method changes or updates.	12 months or less
2060-AP18	Protection of Stratospheric Ozone: Revision of Refrigerant Recovery-Only Equipment Standards	Direct Final	Karen Thundiyil (202) 343-9464 <a href="mailto:Thundiyil.Karen@epa.gov">Thundiyil.Karen@epa.gov</a>	The existing regulations covering specifications for motor vehicle air conditioning refrigerant recovery-only machines reference outdated Society of Automotive Engineers (SAE) standards. This regulation will update existing regulations to match newly updated SAE standards.	12 months or less
2060-AP19	National Emission Standards for Hazardous Air Pollutants: Gasoline Distribution; Direct Final Amendments - Area Source Standard	Direct Final	Steve Shedd (919) 541-5397 <a href="mailto:Shedd.Steve@epa.gov">Shedd.Steve@epa.gov</a>	On January 10, 2008 (73 FR 1916), EPA issued final national emission standards for hazardous air pollutants for gasoline distribution bulk terminals, bulk plants, pipeline facilities, and gasoline dispensing facilities. Subsequently, we have received requests to clarify and amend the rule text on pressure-vacuum (PV) valve setting for vapor balance systems. We plan to issue a direct-final amendment to correct the PV valve settings.	12 months or less

<b>RIN</b>	<b>Title</b>	<b>Stage</b>	<b>Contact</b>	<b>Abstract</b>	<b>Projected Publication Date</b>
2060-AP20	Final Determination to Extend Deadline for Promulgation of Action on Section 126 Petition From Warrick County, Indiana and the Town of Newburgh, Indiana	Final	Carla Oldham (919) 541-3347 <a href="mailto:Oldham.Carla@epa.gov">Oldham.Carla@epa.gov</a>	In this procedural action, EPA is extending by six additional months the deadline for taking final action on a petition submitted by Warrick County, Indiana and the Town of Newburgh, Indiana under section 126 of the Clean Air Act (CAA). Section 126 requires EPA to grant or deny a petition within 60 days. However, the CAA authorizes EPA to grant a time extension of up to 6 months for responding to a petition if EPA determines that the extension is necessary, among other things, to meet the purposes of the CAA's rulemaking requirements. Actions under section 126 are subject to notice-and-comment rulemaking requirements. EPA is determining that the 60-day time period is not sufficient for EPA to develop an adequate proposal on the petition and to allow for public input on the proposal.	12 months or less
2060-AP21	Response to Section 126 Petition From Warrick County, Indiana and the Town of Newburgh, Indiana	NPRM	Carla Oldham (919) 541-3347 <a href="mailto:Oldham.Carla@epa.gov">Oldham.Carla@epa.gov</a>	This rulemaking will respond to a petition submitted by Warrick County, Indiana and the Town of Newburgh, Indiana under section 126 of the Clean Air Act. The petition requests that EPA make a finding that a power plant being proposed to be built in Henderson County, Kentucky (Cash Creek) will emit air pollutants that will significantly contribute to nonattainment in, or interfere with maintenance by, Warrick County and Newburgh, Indiana with respect to the national ambient air quality standards for ozone and particulate matter. Based on such a finding, the petition requests that EPA establish emission limitations for the proposed power plant to prevent the significant contribution.	12 months or less

<b>RIN</b>	<b>Title</b>	<b>Stage</b>	<b>Contact</b>	<b>Abstract</b>	<b>Projected Publication Date</b>
2070-AJ38	Polychlorinated Biphenyls (PCBs); Phase-Out of Electrical Equipment	ANPRM	Peter Gimlin (202) 566-0515 <a href="mailto:Gimlin.Peter@epa.gov">Gimlin.Peter@epa.gov</a>	Section 6(e)(2) of the Toxic Substances Control Act (TSCA) prohibits, among other activities, the distribution in commerce and use of PCBs in a manner other than in a totally enclosed manner, unless the Administrator authorizes such activity by rule. To make such an authorization, the Administrator must find that the activity will not present an unreasonable risk of injury to health or the environment. Certain uses of liquid PCBs in electrical equipment are currently authorized at 40 CFR §761.30. This notice is to solicit comments and data on EPA's intent to propose a rule in the future that would restrict or eliminate some or all of these use authorizations; especially the establishment of phase-out dates for the continued use of PCB Transformers.	12 months or less

## What EPA Actions Appear on the AILs?

Generally, AILs include those actions that 1) will appear in the upcoming *Semiannual Regulatory Agenda* and 2) have been approved for commencement by EPA's Regulatory Policy Officer. In rare instances, an action will not appear on an AIL before it appears in the *Agenda*. Also, keep in mind that AILs will not post immediately. You can access a given month's list roughly 15 days after the close of the month (e.g., the April 2008 AIL will post sometime around May 15<sup>th</sup>).

## What Does Each Column in the AIL Mean?

### RIN

RIN stands for "Regulation Identifier Number." A RIN is assigned by the [Regulatory Information Service Center](#), a component of the U.S. General Services Administration, to identify each regulatory action listed in our *Semiannual Regulatory Agendas* and *Annual Regulatory Plans*. Also, RINs are included in the headings of our rules when they are published in the Federal Register to make it easier for you to track our actions. An example of an EPA RIN is 2050-AG37. It is composed of two parts. The first part (i.e., 2050) identifies which office within EPA is in charge of the action. In this case, it is the Office of Solid Waste and Emergency Response. The second part (e.g., AG37) is an alpha-numeric code automatically generated as rules are assigned a RIN.

### Title

Self-explanatory.

### Stage

The stage of an action describes where we are in the rule writing process, from the very beginning when a rule (or other action) is just an idea to the end when it is published as a final rule (or other action) in the Federal Register. For example, the Notice of Proposed Rulemaking (NPRM) stage announces a proposed rule or proposed modification to an existing rule. In the AILs, the following acronyms are used:

- ANPRM - Advance Notice of Proposed Rulemaking
- Direct Final - Direct Final Action
- NPRM - Notice of Proposed Rulemaking
- Supplemental - Supplemental NPRM

### Contact

Self-explanatory.

### Abstract

A brief summary of the action and its purpose.

### Projected Publication Date

Since many variables affect how long it takes to write a rule or other action, it is impossible to predict a firm publication date when we have just started working on an action. Therefore, we insert one of two options in the "Projected Publication Date" column: 1) "12 months or less" and 2) "more than 12 months." These options give you some idea of how quickly we expect to complete an action. You may consult our *Semiannual Regulatory Agenda* every six months for updates to our estimates.